

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**C.A. NO.: 05-11490 JLT**

**TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA (FORMERLY  
KNOWN AS THE TRAVELERS  
INDEMNITY COMPANY OF ILLINOIS)  
INDIVIDUALLY AND A/S/O DACON CORPORATION  
AND CONDYNE VENTURES, LLC.,  
Plaintiff**

**v.**

**GENESIS INDEMNITY INSURANCE COMPANY  
and TIG INSURANCE COMPANY,  
Defendants**

**JOINT STATEMENT**

Pursuant to the August 29, 2005 Order of this Court, the parties to this action respectfully submit this case management proposal and proposed pretrial schedule:

**1. Proposed Agenda of Matters to be Discussed at the Conference:**

The parties agree that the principal items on the agenda for the Scheduling Conference include: 1) appropriate deadlines for discovery; 2) appropriate deadlines for dispositive and other motions; 3) setting a trial date; 4) discussing the addition of other parties and whether or not they are indispensable parties.

The parties at this time do not consent to a trial by magistrate judge.

**2. Proposed Pretrial Schedule and Discovery Plan:**

The parties propose that fact discovery shall be completed by May 5, 2006.

The parties propose that all dispositive or other motions shall be filed by June 2, 2006.

The parties propose that a trial date should be set at a date convenient for the

Court after hearing any dispositive or other motions filed by June 2, 2006.

The parties agree that phased discovery is not desirable in this action.

The parties agree that more than 10 depositions may be needed by each party, and each party hereby requests that they each be allowed to take 15 depositions.

3. Pending Motions

Although no motions have been served at this time, the parties anticipate the following motions will be filed:

Plaintiff's Motion for Summary Judgment as to Genesis Indemnity Insurance Company and TIG Insurance Company.

Defendant Genesis Indemnity Insurance Company's Motion to Dismiss for Failure to Add Indispensable Parties, or, in the Alternative, Motion to Stay Pending Resolution of Underlying Case.

4. Certifications Pursuant to Local Rule 16.1(D)(3):

Please find Plaintiff's Certification attached as Exhibit A.

The Defendants will file their respective Certifications separately.

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CORPORATION AND CONDYNE  
VENTURES, LLC  
By its Attorney,**

**/s/ William P. Mekrut**  
**Richard J. Riley, BBO#420610**  
**William P. Mekrut, BBO#654350**  
**MURPHY & RILEY, P.C.**  
**141 Tremont Street**  
**Boston, MA 02111**  
**Ph.: 617-423-3700**  
**Fx.: 617-423-1010**  
**Email: RRiley@MurphyRiley.com**  
**Email: WMekrut@MurphyRiley.com**

**GENESIS INDEMNITY INSURANCE  
COMPANY**

**By its attorney**

**/s/ Jocelyn M. Sedney**  
**Jocelyn M. Sedney (BBO#552115)**  
**Brody, Hardoon, Perkins & Kesten**  
**One Exeter Plaza, 12<sup>th</sup> Floor**  
**Boston, MA 02166**  
**Ph: 617-880-7100**  
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**Email: jsedney@bhpklaw.com**

**TIG INSURANCE COMPANY**

**By its attorneys**

**/s/ William B. Scarpelli**

**Scott D. Burke (BBO#551255)**

**William B. Scarpelli (BBO#560034)**

**Morrison, Mahoney & Miller**

**250 Summer Street**

**Boston, MA 02210**

**Ph.: 617-439-7578**

**Fx.: 617-342-4937**

**Email: [sburke@morrisonmahoney.com](mailto:sburke@morrisonmahoney.com)**

**EXHIBIT A**

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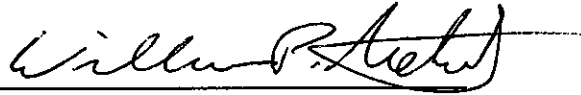
**Defendants**

**LOCAL RULE 16.1(D)(3) CERTIFICATION OF PLAINTIFF**

It is hereby certified pursuant to L.R. 16.1(D)(3) that counsel for the Plaintiff and an authorized representative of the Plaintiff have conferred:

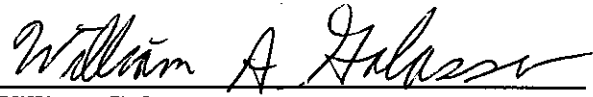
- (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4.

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Boston, MA 02111  
Ph.: 617-423-3700  
Fx.: 617-423-1010  
Email: [RRiley@MurphyRiley.com](mailto:RRiley@MurphyRiley.com)**

*10-11-05*

A handwritten signature in black ink, reading "William A. Galasso", written over a horizontal line.

**William Galasso**

**Travelers Property Casualty Company of  
America**

**MCU Director**

**DATE:**